

**RUBIN DECLARATION
EXHIBITS CONTINUED**

Rubin Exhibit 81

To: "Joey Infortuno" <Joey@jibjab.net>
From: "Copyright Service" <copyright@youtube.com>
CC: gstrompolos@youtube.com, "Cameron Saless"
<cameron@jibjab.net>, "Operations Team" <ops@jibjab.net>
BCC:
Sent Date:
Subject: Re: [#208473573] JibJab and YouTube_copyright
miscommunication

Dear Joey,

JibJab Media Inc. has retracted its copyright claim with respect to the following videos:

<http://www.youtube.com/watch?v=OlglefSlvLg>
http://www.youtube.com/watch?v=fk8egz_yXL0
<http://www.youtube.com/watch?v=pKv6RcXa2UI>
<http://www.youtube.com/watch?v=MLQ928VhyxM>
<http://www.youtube.com/watch?v=3Q2EPKKVrqI>
<http://www.youtube.com/watch?v=3ThHrqlGdSk>
http://www.youtube.com/watch?v=a_TL1CqgEJQ

This content has been restored and your account will not be penalized. For technical reasons, it may take a day for the videos to be available again.

Sincerely,

Harry
The YouTube Team

Original Message Follows:

From: "Joey Infortuno" <Joey@jibjab.net>
Subject: JibJab and YouTube_copyright miscommunication
Date: Fri, 19 Oct 2007 09:45:17 -0700

Hello,

My name is Joey Infortuno for JibJab Media and I worked with YouTube's George Strompolos to get our JibJab channel up and running. I have a bit of an embarrassing situation that I hope you can help us resolve.

Due to lack of internal communication, our very own Operations Department filed copyright complaints against the video content in our very own YouTube Channel (<http://youtube.com/jibjab>). I apologize for the mishap but given that these videos are in fact ours, is it possible reinstate them?

Matzah! - <http://www.youtube.com/watch?v=OlglefSlvLg>
<<http://www.youtube.com/watch?v=OlglefSlvLg>>

Do I Creep You Out - http://www.youtube.com/watch?v=fk8egz_yXL0
<http://www.youtube.com/watch?v=fk8egz_yXL0>

Big Box Mart: <http://www.youtube.com/watch?v=pKv6RcXa2UI>
<<http://www.youtube.com/watch?v=pKv6RcXa2UI>>

Nuckin' Futs!: <http://www.youtube.com/watch?v=MLQ928VhyxM>
<<http://www.youtube.com/watch?v=MLQ928VhyxM>>

What We Call The News: <http://www.youtube.com/watch?v=3Q2EPKKVrqI>
<<http://www.youtube.com/watch?v=3Q2EPKKVrqI>>

2-0-5: <http://www.youtube.com/watch?v=3ThHrqlGdSk>
<<http://www.youtube.com/watch?v=3ThHrqlGdSk>>

Deck The Halls: http://www.youtube.com/watch?v=a_TL1CqgEJQ
<http://www.youtube.com/watch?v=a_TL1CqgEJQ>

Regards,

Joey Infortuno

joey@jibjab.net



Rubin Exhibit 82

To: <copyright@youtube.com>
From: <Bobby.Sherman@sonybmj.com>
CC:
BCC:
Sent Date: 2007-10-24 00:31:58 GMT
Subject: RE: [#209332208] FW: Video Removed: Copyright Infringement [Calvin Harris]

Thanks Harry, much appreciated!

-----Original Message-----

From: Copyright Service [mailto:copyright@youtube.com]
Sent: Tuesday, October 23, 2007 5:15 PM
To: Sherman, Bobby, BMG - Los Angeles
Cc: Sanzio, Nicole SONY BMG
Subject: Re: [#209332208] FW: Video Removed: Copyright Infringement [Calvin Harris]

Hi Bobby,

Thank you for the retraction. The material has been restored.

Sincerely,

Harry
The YouTube Team

Original Message Follows:

From: <Bobby.Sherman@sonybmj.com>
Subject: FW: Video Removed: Copyright Infringement [Calvin Harris]
Date: Tue, 23 Oct 2007 09:22:59 -0700

We did it yet again! We issued a take-down on a video that was living in one of our channels. Calvin Harris 'Merrymaking At My Place': <http://www.youtube.com/watch?v=8jVCOumbXdU>. Please reinstate the video in the "icreateddisco" channel www.youtube.com/icreateddisco.

Thanks!

Bobby Sherman

SONY BMG



From: Copyright Notice <no_reply@youtube.com>

Date: 22 October 2007 23:00:13 BDT

To: icreateddisco <calvinharristv@mac.com>

Subject: Video Removed: Copyright Infringement

YouTube | Broadcast Yourself(tm)

Dear Member:

This is to notify you that we have removed or disabled access to the following material as a result of a third-party notification by Sony BMG claiming that this material is infringing:

Calvin Harris 'Merrymaking At My Place':
<http://www.youtube.com/watch?v=8jVCOumbXdU>
<<http://www.youtube.com/watch?v=8jVCOumbXdU>>

Please Note: Repeat incidents of copyright infringement will result in the deletion of your account and all videos uploaded to that account. In order to avoid future strikes against your account, please delete any videos to which you do not own the rights, and refrain from uploading additional videos that infringe on the copyrights of others. For more information about YouTube's copyright policy, please read the Copyright Tips <http://www.youtube.com/t/howto_copyright> guide.

If you elect to send us a counter notice, please go to our Help Center <<http://www.google.com/support/youtube/bin/answer.py?answer=58127>> to access the instructions.

Be aware that there may be adverse legal consequences in your country if you make a false or bad faith allegation of copyright infringement by using this process.

Sincerely,
YouTube, Inc.

Copyright (c) 2007 YouTube, Inc.

Rubin Exhibit 83

To: <copyright@youtube.com>
From: <Bobby.Sherman@sonybmj.com>
CC:
BCC:
Sent Date: 2007-10-30 17:17:46 GMT
Subject: Avril Take Down

We took down another one of our own videos. This time it was the Avril Lavigne "I'm With You" video (<http://www.youtube.com/watch?v=bW2LTnzD-vE>) living in our "AvrilLavigne" channel (<http://www.youtube.com/AvrilLavigne>). Please reinstate the video and remove the strike from the account.

Sorry, and thank you!

Bobby Sherman
SONY BMG Global Digital Business
2100 Colorado Ave
Santa Monica, CA 90404

[REDACTED]
bobby.sherman@sonybmj.com
[REDACTED]

Rubin Exhibit 84

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY)
PARTNERS, COUNTRY MUSIC)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION, LLC,)

Plaintiffs,)

vs.)

) NO. 07-CV-2103

YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)

Defendants.)

-----)
THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.)

) NO. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)

Defendants.)

-----)
VIDEOTAPED DEPOSITION OF MICHELENA HALLIE
NEW YORK, NEW YORK
THURSDAY, DECEMBER 10, 2009
JOB NO. 18264

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MICHELENA HALLIE

are clips that we uploaded ourselves."

And it looks, at the very
top, you are asking Cindy if she has
the, "White List."

First of all, what is the
White List?

A. I am assuming from this,
that it is the list of clips that MTVN
authorized to be uploaded.

Q. And how was the White List
compiled?

A. People within MTVN were
directed to send any user names or
other identifying information to Cindy
Morales and/or Warren Solow's group,
depending on the time.

Q. And in your E-mail in the
middle of the page that starts, "If
there are commercials/trailers/promos,"
your instruction is, "they should be
taken down unless they are from the
addresses Cindy sent to you."

So was the policy, at that
time, that clips that appeared to be

Rubin Exhibit 85

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY)
PARTNERS, COUNTRY MUSIC.)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION, LLC,)
)
Plaintiffs,)
)
vs.) NO. 07-CV-2103
)
YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)
)
Defendants.)
-----)
)
THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)
)
Plaintiffs,)
vs.) NO. 07-CV-3582
)
YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)
)
Defendants.)
-----)

VIDEOTAPED DEPOSITION OF WARREN SOLOW
NEW YORK, NEW YORK
JANUARY 14TH, 2010

JOB NO. 18509

1 A. I do not remember the -- this
2 event, so I really can't speak to what
3 was going through my head at the time.

4 Q. Did you have any discussions
5 14:33:05 with anyone at Comedy Central prior to
6 sending this takedown notice to
7 determine whether the content
8 identified in the link, in the e-mail
9 of October 12, 2007 was authorized to
10 14:33:18 be on collegehumor.com?

11 A. I have no recollection of such a
12 conversation. I couldn't say whether
13 it happened or not.

14 Q. Did you have a conversation with
15 14:33:28 anyone at MTV on the same subject?

16 MS. KOHLMANN: Objection.

17 A. I have no recollection of this
18 event.

19 Q. Before sending a takedown notice
20 14:34:05 do you require that an analysis be
21 conducted to determine that the content
22 to be taken down is authorized by
23 Viacom or any of its subsidiaries to be
24 on the service at issue?

25 MS. KOHLMANN: Objection as to

1 form.

2 A. We take some steps to attempt to
3 mitigate situations where we take our
4 own content that maybe authorized down.

5 14:34:44 Q. What steps do you take to
6 mitigate those circumstances, Mr.
7 Solow?

8 A. We ask that those departments
9 who are in the business of posting
10 14:34:59 clips to websites to provide
11 information as to their activities.

12 Q. When did you first begin asking
13 departments at Viacom who were engaged
14 in uploading content to websites such
15 14:35:20 as YouTube to provide information about
16 their uploading activities to you?

17 MS. KOHLMANN: Objection. You
18 can answer.

19 A. I don't have a recollection.
20 14:35:38 Those mechanisms may have been in place
21 before my involvement was in this
22 regard.

23 Q. When did your involvement in
24 this regard begin, Mr. Solow?

25 14:35:46 A. In early 2007.

1 Q. Prior to the date that Viacom
2 sued YouTube?

3 A. Yes.

4 Q. What information do you ask that
5 14:36:05 the Viacom departments involved in the
6 upload of their content to services
7 like YouTube provide to your
8 department?

9 MS. KOHLMANN: Objection as to
10 14:36:13 form.

11 A. There is not as much information
12 as is available that will facilitate
13 our ability to identify those clips.

14 Q. With specificity, Mr. Solow
15 14:36:36 please identify the specific types of
16 information you asked those types of
17 departments to provide you with?

18 MS. KOHLMANN: Objection as to
19 form.

20 14:36:41 A. Website URL is the most material
21 information that we ask for.

22 Q. Do you ask for the user name of
23 the account to which the content was
24 uploaded?

25 14:37:04 A. That is often provided, that is

1 almost always provided. I have no
2 recollection of ever asking, physically
3 asking somebody to provide information
4 to me. But I do know what information
5 14:37:21 I do get and user ID is generally a
6 part of that.

7 Q. What other information do you
8 usually get?

9 A. User ID, URL, website, that's
10 14:37:43 what comes to mind. Perhaps this is a
11 non-comprehensive list, perhaps the
12 asset from which it comes or that it's
13 attached to.

14 Q. Do you ever receive or ask for
15 14:37:54 the IP address from which the content
16 has been posted?

17 A. No.

18 Q. Why not?

19 A. I haven't identified a need for
20 14:38:23 that.

21 Q. Do you keep a record of the
22 information that is provided to you
23 from the departments at Viacom that
24 upload their content to YouTube and
25 14:38:39 other services?

1 MS. KOHLMANN: Objection.

2 A. Pardon me. I do not, no.

3 Q. Is a record kept of that
4 information?

5 14:38:48 A. Yes.

6 Q. Where is that record kept?

7 A. I'm not sure.

8 Q. How can you state with certainty
9 that such a record is kept?

10 14:39:04 A. Because I've asked somebody to
11 do it and I trust that they've done it.

12 Q. Who have you asked to do it?

13 A. Michael Housley.

14 Q. Do you believe it's important
15 14:39:32 that that list be comprehensive?

16 MS. KOHLMANN: Objection as to
17 form.

18 A. I believe that it is important
19 to endeavor to have a comprehensive
20 14:39:50 list.

21 Q. So you do believe it's important
22 that that set of information is
23 comprehensive about the activities of
24 the departments at Viacom that uploaded
25 14:40:01 their content to use, for example,

1 right?

2 MS. KOHLMANN: Objection.

3 Misstates the record. You can answer.

4 A. Importance is a subjective word
5 14:40:10 but that certainly is information that
6 I'd like to have.

7 Q. What value does that information
8 provide to you in the execution of your
9 responsibilities at Viacom?

10 14:40:17 A. It adds an increased level of
11 precision.

12 Q. In what sense?

13 A. It helps mitigate the removal of
14 clips that some parts of the
15 14:40:38 organization would prefer to stay in
16 place.

17 Q. It prevents Viacom from
18 mistakenly removing content that it
19 itself has authorized to be on the
20 14:40:50 service. Isn't that right?

21 MS. KOHLMANN: Objection as to
22 form.

23 A. Those are your words. I
24 answered that using my words a moment
25 14:40:57 ago.

1 time. Isn't that right?

2 A. I believe that to be so.

3 Q. Is information related to that
4 activity also provided to your
5 14:42:13 department?

6 MS. KOHLMANN: Objection as to
7 form.

8 A. Information of that variety has
9 been provided to my department.

10 14:42:21 Q. Do you also instruct Mr. Housley
11 to maintain information related to that
12 activity?

13 A. Yes.

14 Q. Have you ever heard the term,
15 14:43:14 Mr. Solow, white list?

16 A. Yes.

17 Q. What do you understand the term
18 white list to mean?

19 A. In what context?

20 14:43:28 Q. In the context in which you
21 heard it in your employment capacity at
22 Viacom.

23 A. I've heard our approved outside
24 counsel list referred to in that list,
25 14:43:47 preferred vendor lists, I've heard

1 lists of video content that we would
2 like, that has been authorized for
3 placement in various locations on the
4 internet referred to in that regard
5 14:44:10 also.

6 Q. Have you also heard lists of
7 authorized user names from whom
8 postings to websites such as YouTube
9 should not be removed referred to as a
10 14:44:25 white list?

11 MS. KOHLMANN: Objection as to
12 form.

13 A. I've heard of -- not lists of
14 user names but that user name -- user
15 14:44:39 names have been a component of such
16 white lists, yes.

17 Q. Is the information that
18 Mr. Housley compiles, that we were just
19 referring to a moment ago, referred to
20 14:44:53 as a white list?

21 A. By some people.

22 Q. By you, Mr. Solow?

23 A. Generally not.

24 Q. Have you ever referred to that
25 14:45:02 as a white list?

Rubin Exhibit 86

—

From: Deana Arizala
Sent: Wednesday, January 03, 2007 5:45 PM
To: Morales, Cindy
Cc: Michelena.hallie@mtvn.com; Courtney Nieman; Evelyn Espinosa; Mark M. Ishikawa
Subject: Approved links and user
Attachments: Approved Links and User.doc

Cindy,

Enclosed are the approved links and user and I had put together with the appropriate channel. Please let me know if you have any questions. Thanks.

Logo

Noah's Arc

<http://profile.myspace.com/index.cfm?fuseaction=user.viewprofile&friendid=113996991>
<http://profile.myspace.com/index.cfm?fuseaction=user.viewprofile&friendid=94946165>
<http://profile.myspace.com/index.cfm?fuseaction=user.viewprofile&friendid=94945456>
<http://profile.myspace.com/index.cfm?fuseaction=user.viewprofile&friendid=94426519>
<http://profile.myspace.com/index.cfm?fuseaction=user.viewprofile&friendid=96584384>
<http://profile.myspace.com/index.cfm?fuseaction=user.viewprofile&friendid=94945771>
<http://profile.myspace.com/index.cfm?fuseaction=user.viewprofile&friendid=94945108>

MTV

The Hills

www.myspace.com/thehillsonmtv

Run's House

www.myspace.com/runshousemtv

Meaty the Dog

www.myspace.com/meatythedog

24/7

www.myspace.com/mtvtwentyfourseven

Making the Band

www.myspace.com/makingthebandonmtv

Meet the Barkers

www.myspace.com/meetthebarkers

Yo Momma

www.myspace.com/therealyomomma

Moonman

www.myspace.com/mtvmoonman

Blowin' Up

www.myspace.com/blowinupmtv

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Flavor of Love

<http://www.youtube.com/watch?v=uXnx5QxpIRc>
<http://www.youtube.com/watch?v=ynJmXSht2jI>
http://www.youtube.com/watch?v=ia_pl6rVg_k
<http://www.youtube.com/watch?v=BRbM2qfD08U>
<http://www.youtube.com/watch?v=QQxyhtYk3CI>
<http://www.youtube.com/watch?v=kihSHIoW-Tg>
<http://www.youtube.com/watch?v=4CtHP6Ut-zM>
<http://www.youtube.com/watch?v=hFoCygNKOaA>
http://www.youtube.com/watch?v=pAkp_Hr5rN4
http://www.youtube.com/watch?v=yZ1SEDh_JPc
<http://www.youtube.com/watch?v=PjiZqOOAipw>

VH1

Freestyle59

<http://www.youtube.com/watch?v=zlbL-zhMK8k>
<http://www.youtube.com/watch?v=zgBl1BKpwjQ>

Totally Awesome

<http://www.youtube.com/watch?v=qvUzUOSbs9Y>
http://www.youtube.com/watch?v=M-G_NQZb1lI
http://www.youtube.com/watch?v=_5vjL2stAz0
<http://www.youtube.com/watch?v=jFoQNdwaGys>
<http://www.youtube.com/watch?v=3saVMo96328>
<http://www.youtube.com/watch?v=xPfTPn-eGKk>

Wendy William Experience

<http://www.youtube.com/watch?v=qVVGt7Rfrvk>

New York Hospitality

<http://www.youtube.com/watch?v=Dy9lYAELqlE>

Hogan Knows Best

<http://www.youtube.com/watch?v=x1ycbHjePjM>

Spike TV

<http://www.youtube.com/spiketv>

6/11/2008

TV Land

Mr. T

<http://www.youtube.com/watch?v=fYOjF4RtBPU>
http://www.youtube.com/watch?v=u_bRnbx_osM
<http://www.youtube.com/watch?v=OXLA8bzK0oo>
<http://www.youtube.com/watch?v=lBdbE9dtFnQ>
http://www.youtube.com/watch?v=xx5p_wv_izo
<http://www.youtube.com/watch?v=76cCpNtOLJM>
<http://www.youtube.com/watch?v=DEZlhn9TKB0>
http://www.youtube.com/watch?v=uA_JxuelTtA
<http://www.youtube.com/watch?v=U921abH7jIk>
<http://www.youtube.com/watch?v=Eisa5AZ20W0>
<http://www.youtube.com/watch?v=iBMibtjDJp0>
<http://www.youtube.com/watch?v=ZaeMJ7oMf94>

| Username | Channel |
|--------------|---------|
| vh1staff | VH1 |
| spiketv | SpikeTV |
| reaction2006 | 51 |
| Wiredset | |
| Isitfridayet | MTV |
| Snackboard | |
| Damonjohnson | MTV |
| jerseymouth1 | MTV |

Best Regards,
Deana Arizala

Deana Arizala
Client Services Manager. BayTSP, Inc
408.341.2365 (direct)
408.341.2300 (voice)
408.341.2399 (fax)

6/11/2008

Rubin Exhibit 87

VIACOM INTERNATIONAL INC.,)
 COMEDY PARTNERS,)
 COUNTRY MUSIC TELEVISION, INC.,)
 PARAMOUNT PICTURES)
 COPROPRATION,) Case No. 1:07-CV-2103-LLS
 and BLACK ENTERTAINMENT) (Related Case No. 1:07-cv-03582 (LLS))
 TELEVISION LLC,)
)
 Plaintiffs,)
)
 v.)
)
 YOUTUBE, INC., YOUTUBE, LLC, and)
 GOOGLE INC.,)
)
 Defendants.)
)

Plaintiffs Viacom International Inc. et al. (“Viacom”) respond to Defendants First Set of Requests for Admission (“RFAs”) as follows.

The following General Objections to the RFAs are incorporated by reference into each of Viacom's responses below.

- 1822424.1

3. Viacom objects to each RFA to the extent it seeks to impose obligations or requirements beyond those imposed by the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York, or the applicable standing orders and orders of this Court.

4. Viacom objects to each RFA to the extent it sets forth compound, conjunctive, or disjunctive statements.

5. Viacom objects to each RFA to the extent it is unduly burdensome and seeks information not relevant to the above-captioned litigation.

6. Viacom objects to the definitions of “Viacom,” “You,” and “Your” to the extent that they are vague, ambiguous, overly broad, and unduly burdensome.

7. Viacom objects to the definition of “Accused Clip” as compound, vague, and ambiguous. To the extent that it includes clips that are not the subject of allegations of infringement in this litigation, Viacom further objects to that definition as overly broad, unduly burdensome, and not reasonably related to the claims or defenses at issue. Hereafter, Viacom uses the term “Clips In Suit” to refer to the clips that are actually at issue in this litigation, as identified in Viacom’s Works In Suit Disclosure of October 15, 2009.

8. Viacom objects to the use of the phrase “DMCA Takedown Notice” as vague, ambiguous, and calling for a legal conclusion. For the purposes of these Responses, Viacom construes that phrase to refer to any notice alleging copyright infringement and requesting the removal of material.

9. Viacom objects to the use of the phrase “at all relevant times” as vague and ambiguous.

10. In objecting to Defendants’ First Set of Requests for Admission, Viacom does not in any way waive or intend to waive but, rather, intends to preserve and are preserving:

- a. all objections as to competency, relevancy, materiality, privilege and admissibility of evidence for any purpose of any information or document, or the subject matter thereof, in the trial of this or any other action or subsequent proceedings;
- b. the right to object to the use of any information or document, or the subject matter thereof, in the trial of this or any other action or subsequent proceedings;
- c. the right to elicit appropriate evidence, beyond the responses themselves, regarding the subjects referred to in or in response to any RFA; and
- d. the right at any time to correct, supplement, or clarify any of the objections or responses.

11. These general objections are incorporated by reference into each of Viacom's Responses set forth below.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Admit that at all relevant times YouTube was a "service provider" as that term is used in 17 U.S.C. § 512(k)(1)(B).

Admit that YouTube is a "service provider" as that term is used in 17 U.S.C. § 512(k)(1)(B). For purposes of clarity, Viacom denies that YouTube is or ever has been a "service provider" as that term is used in 17 U.S.C. § 512(k)(1)(A).

REQUEST FOR ADMISSION NO. 2:

Admit that at all relevant times, YouTube stored material "at the direction of a user" as that phrase is used in 17 U.S.C. § 512(c)(1).

Deny.

REQUEST FOR ADMISSION NO. 3:

Admit that the material You allege to infringe Your copyrights in this case was stored on the youtube.com service “at the direction of a user” as that phrase is used in 17 U.S.C. § 512(c)(1).

Deny.

REQUEST FOR ADMISSION NO. 4:

Admit that all of Your copyright infringement claims in this action allege infringement of copyrights “by reason of the storage at the direction of a user” of material that resides on a system or network controlled or operated by or for YouTube, as set forth in 17 U.S.C. § 512(c)(1).

Deny.

REQUEST FOR ADMISSION NO. 5:

Admit that at all relevant times, YouTube had “designated an agent to receive notifications of claimed infringement” as set forth in 17 U.S.C. § 512(c)(2).

Deny.

REQUEST FOR ADMISSION NO. 6:

Admit that on every occasion that You sent YouTube a DMCA Takedown Notice relating to an Accused Clip, YouTube responded “expeditiously,” as that phrase is used in 17 U.S.C. § 512(c)(1)(A)(iii), to remove or disable access to the material claimed to be infringing.

Deny.

REQUEST FOR ADMISSION NO. 7:

Admit that on every occasion that You sent YouTube a DMCA Takedown Notice relating to an Accused Clip, YouTube responded within seventy-two business hours to remove or disable access to the material claimed to be infringing.

Deny.

REQUEST FOR ADMISSION NO. 8:

Admit that for all of the Accused Clips, prior to receiving a DMCA Takedown Notice from You identifying those specific clips, YouTube did not have “actual knowledge” that the material was infringing, as described in 17 U.S.C. § 512(c)(1)(A)(i).

Deny.

REQUEST FOR ADMISSION NO. 9:

Admit that on no occasion did YouTube fail to expeditiously remove or disable access to an Accused Clip to the extent YouTube became aware of facts or circumstances from which infringing activity was apparent, as described in 17 U.S.C. § 512(c)(1)(A)(ii).

Deny.

REQUEST FOR ADMISSION NO. 10:

Admit that YouTube lacked the right and ability to control the infringing activity alleged by You in this case, as described in 17 U.S.C. § 512(c)(1)(B).

Deny.

REQUEST FOR ADMISSION NO. 11:

Admit that YouTube did not receive a financial benefit directly attributable to the infringing activity alleged by You in this case, as described in 17 U.S.C. § 512(c)(1)(B).

Deny.

REQUEST FOR ADMISSION NO. 12:

Admit that at all relevant times, access to and use of the youtube.com service was provided to users by YouTube free and without charge.

Viacom objects to this RFA on the ground that the terms “access to,” “use of,” and “users” are vague, ambiguous, and potentially cover a broad range of activities. Subject to and without waiving that objection, Viacom admits that users can watch videos on YouTube free and without charge, but denies this RFA in all other respects.

REQUEST FOR ADMISSION NO. 13:

Admit that at all relevant times YouTube had adopted and reasonably implemented, and informed its subscribers and account holders of, a policy that provides for the termination in appropriate circumstances of subscribers and account holders of YouTube who were repeat infringers, as described in 17 U.S.C. § 512(i)(1)(A).

Deny.

REQUEST FOR ADMISSION NO. 14:

Admit that at no time relevant to this lawsuit have there been any “standard technical measures” in existence as that term is defined in 17 U.S.C. §§ 512(i)(1)(B) and 512(i)(2).

Deny.

REQUEST FOR ADMISSION NO. 15:

Admit that You do not claim in this case that YouTube failed to comply with 17 U.S.C. §§ 512(i)(1)(B) (*i.e.*, YouTube accommodates and not interfere with “standard technical measures” to the extent any exist).

Deny.

REQUEST FOR ADMISSION NO. 16:

Admit that You have uploaded videos to the youtube.com service.

Viacom denies that it uploaded to youtube.com any of the Clips In Suit. Viacom admits that it uploaded a small number of trailers and other promotional videos that are not at issue in this litigation and that such uploads were generally performed with Defendants' knowledge and encouragement.

REQUEST FOR ADMISSION NO. 17:

Admit that You have uploaded videos to the youtube.com service for marketing and promotional purposes.

Viacom denies that it uploaded to youtube.com any of the Clips in Suit for any purpose, including marketing and promotional purposes. Viacom admits that it uploaded a small number of trailers and other promotional videos that are not at issue in this litigation and that such uploads were generally performed with Defendants' knowledge and encouragement.

REQUEST FOR ADMISSION NO. 18:

Admit that, with respect to some videos uploaded or authorized to be uploaded by You to the youtube.com service, You intentionally concealed the fact that the uploading of the videos was done by You or at Your direction.

Deny.

REQUEST FOR ADMISSION NO. 19:

Admit that one or more of the Accused Clips were uploaded by You to the youtube.com service.

Viacom denies this RFA as to the Clips In Suit. Viacom further denies that it uploaded any of the clips listed by URL in Attachment A.

REQUEST FOR ADMISSION NO. 20:

Admit that the presence on the youtube.com website of videos embodying the Works in Suit can have the effect of increasing consumer demand for those works.

Viacom objects to this RFA on the grounds that it is vague, ambiguous, and an incomplete hypothetical. Subject to that objection, deny.

REQUEST FOR ADMISSION NO. 21:

Individually for each Accused Clip, admit that the Accused Clip was uploaded to YouTube by You or by a third party with Your authorization.

Viacom denies this RFA as to the Clips In Suit. Viacom further denies that it uploaded any of the clips listed by URL in Attachment A.

REQUEST FOR ADMISSION NO. 22:

Admit that You created the account “Paraccount” on the YouTube service and used it to upload Your copyrighted material to YouTube.

Admit.

REQUEST FOR ADMISSION NO. 23:

Admit that You created the account “VH1 staff” on the YouTube service and used it to upload Your copyrighted material to YouTube.

Admit.

REQUEST FOR ADMISSION NO. 24:

Admit that You created the account “ParamountVantage” on the YouTube service and used it to upload Your copyrighted material to YouTube.

Admit.

REQUEST FOR ADMISSION NO. 25:

Admit that You created the account “MTV2” on the YouTube service and used it to upload Your copyrighted material to YouTube.

Deny as to creation, admit as to use.

REQUEST FOR ADMISSION NO. 26:

Admit that You created the account “SpikeTV” on the YouTube service and used it to upload Your copyrighted material to YouTube.

Admit.

REQUEST FOR ADMISSION NO. 27:

Admit that You created the account “ParamountClassics” on the YouTube service and used it to upload Your copyrighted material to YouTube.

Admit.

REQUEST FOR ADMISSION NO. 28:

Admit that You created the account “MTV2AllThatRocks” on the YouTube service and used it to upload Your copyrighted material to YouTube.

Admit.

REQUEST FOR ADMISSION NO. 29:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “Thatsfunny”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 30:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “Thatisalsofunny”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 31:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “Thatsnotfunny”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 32:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “BroadwayJoe”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 33:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “BroadwayJoe415”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 34:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “PinkStrawberry”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 35:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “PinkStrawberry1”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 36:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “ParkMyVibe”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 37:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “FiveChemical”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 38:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “FunFunFunnyVideo”.

Deny.

REQUEST FOR ADMISSION NO. 39:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “strangewildernessuk”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 40:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “cuongnyc”.

Deny.

REQUEST FOR ADMISSION NO. 41:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “skippynyc”.

Deny.

REQUEST FOR ADMISSION NO. 42:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “mosjef73”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 43:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “keithhn”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 44:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “MysticalGirl8”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 45:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “veehonerockz”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 46:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “qpittman”.

Deny.

REQUEST FOR ADMISSION NO. 47:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “inmundo”.

Deny.

REQUEST FOR ADMISSION NO. 48:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “mtvnewsinterns”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 49:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “MTVSneakAttack”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 50:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “UTubeVJ”.

Deny.

REQUEST FOR ADMISSION NO. 51:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “bestclips”.

Deny.

REQUEST FOR ADMISSION NO. 52:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “SpacePrince72”.

Deny.

REQUEST FOR ADMISSION NO. 53:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “kdolak42”.

Deny.

REQUEST FOR ADMISSION NO. 54:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “thinkmtv”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 55:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “panelistclips”.

Deny.

REQUEST FOR ADMISSION NO. 56:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “NMarketing”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 57:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “bestweekever”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 58:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “beheard”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 59:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “HotRodMovie”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 60:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “PeachesLarue”.

Deny.

REQUEST FOR ADMISSION NO. 61:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “Demansr”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 62:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “Reaction2006”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 63:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “Wiredset”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 64:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “Isitfridayet”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 65:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “snackboard”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 66:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “gossipgirl40”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 67:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “fanscapevideos”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 68:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “Damonjohnson”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 69:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “jerseymouth1”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 70:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “BadBoyRecords”.

Deny.

REQUEST FOR ADMISSION NO.71:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “blacktreemedia”.

Deny.

REQUEST FOR ADMISSION NO. 72:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “bpfrecords”.

Deny.

REQUEST FOR ADMISSION NO. 73:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “CBS”.

Deny.

REQUEST FOR ADMISSION NO. 74:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “freeforlife112”.

Deny.

REQUEST FOR ADMISSION NO. 75:

Admit that You authorized your copyrighted material to be uploaded to YouTube under the account name “FutureWorld77”.

Deny.

REQUEST FOR ADMISSION NO. 76:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “irenemariemodels”.

Deny.

REQUEST FOR ADMISSION NO. 77:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “ladyfragment”.

Deny.

REQUEST FOR ADMISSION NO. 78:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “laurenceegibbs”.

Deny.

REQUEST FOR ADMISSION NO. 79:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “LiberalViewer”.

Deny.

REQUEST FOR ADMISSION NO. 80:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “ParamountPictures”.

Deny.

REQUEST FOR ADMISSION NO. 81:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “ParamountGermany”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 82:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “ParamountViacom”.

Deny.

REQUEST FOR ADMISSION NO. 83:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “ParamountVantage”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 84:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “dreamworksfansite”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 85:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “waytblue”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 86:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “HotRodMovie”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 87:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “tastefullymine”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 88:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “waytobluefrance”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 89:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “BrienTA”.

Deny.

REQUEST FOR ADMISSION NO. 90:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “eibrandedcontent”.

Deny.

REQUEST FOR ADMISSION NO. 91:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “hostiltakeoverbank”.

Deny.

REQUEST FOR ADMISSION NO. 92:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “StrangersWCandyMovie”.

Deny.

REQUEST FOR ADMISSION NO. 93:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “powermadeak47dotcom”.

Deny.

REQUEST FOR ADMISSION NO. 94:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “powmadeak47”.

Deny.

REQUEST FOR ADMISSION NO. 95:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “reno9112miami”.

Deny.

REQUEST FOR ADMISSION NO. 96:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “shishka”.

Deny.

REQUEST FOR ADMISSION NO. 97:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “themoviemonkey”.

Deny.

REQUEST FOR ADMISSION NO. 98:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “thesparksfly”.

Deny.

REQUEST FOR ADMISSION NO. 99:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “TNAwrestling”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 100:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “txcany”.

Deny.

REQUEST FOR ADMISSION NO.101:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “victorweb”.

Deny.

REQUEST FOR ADMISSION NO. 102:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “vlogging”.

Deny.

REQUEST FOR ADMISSION NO. 103:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “schnebley”.

Deny.

REQUEST FOR ADMISSION NO. 104:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “universalmusicgroup”.

Deny.

REQUEST FOR ADMISSION NO. 105:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “bullrunvideo”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 106:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “bravenewfilms”.

Deny.

REQUEST FOR ADMISSION NO. 107:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “chu2007”.

Viacom admits that it or its authorized agents uploaded a specific clip or clips containing its copyrighted material to YouTube to this account, but otherwise denies.

REQUEST FOR ADMISSION NO. 108:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “livetorhyme88”.

Deny.

REQUEST FOR ADMISSION NO. 109:

Admit that You authorized Your copyrighted material to be uploaded to YouTube under the account name “globe427”.

Deny.

REQUEST FOR ADMISSION NO. 110:

Admit that You agreed to YouTube’s Terms of Service when You created accounts on the YouTube service.

Viacom objects that this RFA is vague and ambiguous with respect to the phrase “Terms of Service.” Subject to and without waiving those objections, Viacom admits that it agreed to YouTube’s Terms of Service in effect at the time when it created accounts on the YouTube service only with respect to videos uploaded by Viacom or its authorized agents to those accounts and insofar as the Terms of Service are legally enforceable and do not conflict with laws of intellectual property. Deny in all other respects.

REQUEST FOR ADMISSION NO. 111:

Admit that You expressly licensed YouTube under Your copyrights pertaining to all videos that You or Your agents uploaded to YouTube.

Viacom admits that it expressly granted a limited, revocable license only with respect to videos actually uploaded by Viacom or its authorized agents, which do not include any Clips In Suit. Deny in all other respects.

REQUEST FOR ADMISSION NO. 112:

Admit that prior to October 2006, You authorized all clips of the “The Daily Show” and the “Colbert Report” that were less than 5 minutes in length to remain on the YouTube service.

Deny.

REQUEST FOR ADMISSION NO. 113:

Admit that in October 2006, You authorized all clips of the “The Daily Show” and the “Colbert Report” that were less than 3 minutes in length to remain on the YouTube service.

Deny.

REQUEST FOR ADMISSION NO. 114:

Admit that in November 2006, You authorized all clips of the “The Daily Show” and the “Colbert Report” that were less than 2.5 minutes in length to remain on the YouTube service.

Deny.

REQUEST FOR ADMISSION NO. 115:

Individually for each Accused Clip, admit that You did not send a DMCA Takedown Notice to YouTube within one week of becoming aware of that clip’s presence on YouTube.

Viacom objects to this RFA on the ground that it purports to constitute over 63,000 separate Requests for Admission, one for each Clip In Suit. Viacom further objects to this RFA on the ground that, for the majority of Clips In Suit, Defendants have no good-faith basis for requesting an admission that Viacom did not send a takedown notice within one week of becoming aware of the clip’s presence on YouTube. Subject to and without waiving those objections, Viacom denies that for most of the Clips In Suit it did not send a takedown notice to YouTube within one week of becoming aware of that clip’s presence on YouTube.

REQUEST FOR ADMISSION NO. 116:

Individually for each Accused Clip, admit that You did not send a DMCA Takedown Notice to YouTube within one month of becoming aware of that clip’s presence on YouTube.

Viacom objects to this RFA on the ground that it purports to constitute over 63,000 separate Requests for Admission, one for each Clip In Suit. Viacom further objects to this RFA on the ground that, for the majority of Clips In Suit, Defendants have no good-faith basis for requesting an admission that Viacom did not send a takedown notice within one month of becoming aware of the clip's presence on YouTube. Subject to and without waiving those objections, Viacom denies that for most of the Clips In Suit it did not send a takedown notice to YouTube within one month of becoming aware of that clip's presence on YouTube.

REQUEST FOR ADMISSION NO. 117:

Individually for each Accused Clip, admit that You did not send a DMCA Takedown Notice to YouTube within two months of becoming aware of that clip's presence on YouTube.

Viacom objects to this RFA on the ground that it purports to constitute over 63,000 separate Requests for Admission, one for each Clip In Suit. Viacom further objects to this RFA on the ground that, for the majority of Clips In Suit, Defendants have no good-faith basis for requesting admissions that Viacom did not send a takedown notice within two months of becoming aware of the clip's presence on YouTube. Subject to and without waiving those objections, Viacom denies that for most of the Clips In Suit it did not send a takedown notice to YouTube within two months of becoming aware of that clip's presence on YouTube.

REQUEST FOR ADMISSION NO. 118:

Admit that as of July 1, 2006 Atom had "designated an agent to receive notifications of claimed infringement" as set forth in 17 U.S.C. § 512(c)(2).

Admit.

REQUEST FOR ADMISSION NO. 119:

Admit that as of July 1, 2006 Atom had provided to the Copyright Office substantially the information set forth in 17 U.S.C. § 512(c)(2)(A)-(B) for its designated agent to received notifications of claimed infringement.

Admit.

REQUEST FOR ADMISSION NO. 120:

Admit that as of July 1, 2006 the Register of Copyrights' directory of agents designated to receive notifications for claimed infringement included an agent for Atom designated by you.

Admit.

REQUEST FOR ADMISSION NO. 121:

Admit that as of July 1, 2006 Atom had stored material "at the direction of a user" as that phrase is used in 17 U.S.C. § 512(c)(1).

Viacom objects to this RFA on the ground that it is vague with respect to the scope of the activity referenced. Subject to and without waiving that objection, deny.

REQUEST FOR ADMISSION NO. 122:

Admit that as of July 1, 2006 Atom was a "service provider" as defined in 17 U.S.C. § 512(k)(1)(B).

Admit.

REQUEST FOR ADMISSION NO. 123:

Admit that as of July 1, 2006 Atom had received DMCA Takedown Notices with respect to material posted on Atom.

Viacom admits that, as of August 9, 2006, Atom had received one takedown notice for alleged copyright infringement with regard to material posted on Atom.

REQUEST FOR ADMISSION NO. 124:

Admit that as of July 1, 2006, on every occasion that Atom had received a DMCA Takedown Notice, it responded “expeditiously,” as that phrase is used in 17 U.S.C. § 512(c)(1)(A)(iii), to remove or disable access to the allegedly infringing material.

Admit.

REQUEST FOR ADMISSION NO. 125:

Admit that as of July 1, 2006, prior to receiving a DMCA Takedown Notice concerning user-uploaded material on Atom, Atom did “not have actual knowledge” that the material was infringing, as described in 17 U.S.C. § 512(c)(1)(A)(i).

Admit.

REQUEST FOR ADMISSION NO. 126:

Admit that as of July 1, 2006, prior to receiving a DMCA Takedown Notice concerning user-uploaded material posted on Atom, Atom was not aware of facts or circumstances from which infringing activity was apparent, as described in 17 U.S.C. § 512(c)(1)(A)(ii).

Admit.

REQUEST FOR ADMISSION NO. 127:

Admit that as of July 1, 2006, with respect to user-uploaded material posted on Atom for which Atom had received a DMCA Takedown Notice, Atom did not have the right and ability to control the infringing activity, as described in 17 U.S.C. § 512(c)(1)(B).

Deny.

REQUEST FOR ADMISSION NO. 128:

Admit that as of July 1, 2006, with respect to user-uploaded material posted on Atom for which Atom has received a DMCA Takedown Notice, Atom did not receive a

financial benefit directly attributable to the infringing activity, as described in 17 U.S.C. § 512(c)(1)(B).

Viacom does not have enough information to determine whether alleged infringing clips on Atom were a draw for users, and therefore does not have information sufficient to admit or deny.

REQUEST FOR ADMISSION NO. 129:

Admit that as of July 1, 2006, Atom had adopted and reasonably implemented, and informed subscribers and account holders of Atom of, a policy that provided for the termination in appropriate circumstances of its subscribers and account holders who were repeat infringers, as described in 17 U.S.C. § 512(1)(1)(A).

Admit.

REQUEST FOR ADMISSION NO. 130:

Admit that as of July 1, 2006, Atom accommodated and did not interfere with “standard technical measures” as defined in 17 U.S.C. §§ 512(i)(1)(8) and 512(i)(2).

Admit.

REQUEST FOR ADMISSION NO. 131:

Admit that as of November 1, 2006 Atom had “designated an agent to receive notifications of claimed infringement” as set forth in 17 U.S.C, § 512(c)(2).

Admit.

REQUEST FOR ADMISSION NO. 132:

Admit that as of November 1, 2006 Atom had provided to the Copyright Office substantially the information set forth in 17 U.S.C. § 512(c)(2)(A)-(B) for its designated agent to received notifications of claimed infringement.

Admit.

REQUEST FOR ADMISSION NO. 133:

Admit that as of November 1, 2006 the Register of Copyrights' directory of agents designated to receive notifications for claimed infringement included an agent for Atom designated by you.

Admit.

REQUEST FOR ADMISSION NO. 134:

Admit that as of November 1, 2006 Atom had stored material "at the direction of a user" as that phrase is used in 17 U.S.C. § 512(c)(I).

Viacom objects to this RFA on the ground that it is vague with respect to the scope of the activity referenced. Subject to and without waiving that objection, deny.

REQUEST FOR ADMISSION NO. 135:

Admit that as of November 1, 2006 Atom was a "service provider" as defined in 17 U.S.C. § 512(k)(I)(B).

Admit.

REQUEST FOR ADMISSION NO. 136:

Admit that as of November 1, 2006 Atom had received DMCA Takedown Notices with respect to material posted on Atom.

Viacom admits that, as of November 1, 2006, Atom had received ten or fewer takedown notices for alleged copyright infringement with regard to material posted on Atom.

REQUEST FOR ADMISSION NO. 137:

Admit that as of November 1, 2006, on every occasion that Atom had received a DMCA Takedown Notice, it responded "expeditiously," as that phrase is used in 17 U.S.C. § 512(c)(1)(A)(iii), to remove or disable access to the allegedly infringing material.

Admit.

REQUEST FOR ADMISSION NO. 138:

Admit that as of November 1, 2006, prior to receiving a DMCA Takedown Notice concerning user-uploaded material on Atom, Atom did “not have actual knowledge” that the material was infringing, as described in 17 U.S.C. § 512(c)(1)(A)(i).

Admit.

REQUEST FOR ADMISSION NO. 139:

Admit that as of November 1, 2006, prior to receiving a DMCA Takedown Notice concerning user-uploaded material posted on Atom, Atom was not aware of facts or circumstances from which infringing activity was apparent, as described in 17 U.S.C. § 512(c)(1)(A)(ii).

Admit.

REQUEST FOR ADMISSION NO. 140:

Admit that as of November 1, 2006, with respect to user-uploaded material posted on Atom for which Atom had received a DMCA Takedown Notice, Atom did not have the right and ability to control the infringing activity, as described in 17 U.S.C. § 512(e)(1)(B).

Deny.

REQUEST FOR ADMISSION NO. 141:

Admit that as of November 1, 2006, with respect to user-uploaded material posted on Atom for which Atom has received a DMCA Takedown Notice, Atom did not receive a financial benefit directly attributable to the infringing activity, as described in 17 U.S.C. § 512(c)(1)(B).

Viacom does not have enough information to determine whether alleged infringing clips on Atom were a draw for users, and therefore does not have information sufficient to admit or deny.

REQUEST FOR ADMISSION NO. 142:

Admit that as of November 1, 2006, Atom had adopted and reasonably implemented, and informed subscribers and account holders of Atom of, a policy that provided for the termination in appropriate circumstances of its subscribers and account holders who were repeat infringers, as described in 17 U.S.C. § 512(i)(1)(A).

Admit.

REQUEST FOR ADMISSION NO. 143:

Admit that as of November 1, 2006, Atom accommodated and did not interfere with “standard technical measures” as defined in 17 U.S.C. §§ 512(i)(1)(B) and 512(i)(2).

Admit.

REQUEST FOR ADMISSION NO. 144:

Admit that as of March 13, 2007 Atom had “designated an agent to receive notifications of claimed infringement” as set forth in 17 U.S.C. § 512(c)(2).

Admit.

REQUEST FOR ADMISSION NO. 145:

Admit that as of March 13, 2007 Atom had provided to the Copyright Office substantially the information set forth in 17 U.S.C. § 512(c)(2)(A)-(B) for its designated agent to received notifications of claimed infringement.

Admit.

REQUEST FOR ADMISSION NO. 146:

Admit that as of March 13, 2007 the Register of Copyrights’ directory of agents designated to receive notifications for claimed infringement included an agent for Atom designated by you.

Admit.

REQUEST FOR ADMISSION NO. 147:

Admit that as of March 13, 2007 Atom had stored material “at the direction of a user” as that phrase is used in 17 U.S.C. § 512(c)(l).

Viacom objects to this RFA on the ground that it is vague with respect to the scope of the activity referenced. Subject to and without waiving that objection, deny.

REQUEST FOR ADMISSION NO. 148:

Admit that as of March 13, 2007 Atom was a “service provider” as defined in 17 U.S.C. § 512(k)(1)(B).

Admit.

REQUEST FOR ADMISSION NO. 149:

Admit that as of March 13, 2007 Atom had received DMCA Takedown Notices with respect to material posted on Atom.

Viacom admits that, as of March 13, 2007, Atom had received ten or fewer takedown notices for alleged copyright infringement with regard to material posted on Atom.

REQUEST FOR ADMISSION NO. 150:

Admit that as of March 13, 2007, on every occasion that Atom had received a DMCA Takedown Notice, it responded “expeditiously,” as that phrase is used in 17 U.S.C. § 512(c)(1)(A)(iii), to remove or disable access to the allegedly infringing material.

Admit.

REQUEST FOR ADMISSION NO. 151:

Admit that as of March 13, 2007, prior to receiving a DMCA Takedown Notice concerning user-uploaded material on Atom, Atom did “not have actual knowledge” that the material was infringing, as described in 17 U.S.C. § 512(e)(1)(A)(i).

Admit.

REQUEST FOR ADMISSION NO. 152:

Admit that as of March 13, 2007, prior to receiving a DMCA Takedown Notice concerning user-uploaded material posted on Atom, Atom was not aware of facts or circumstances from which infringing activity was apparent, as described in 17 U.S.C. § 512(c)(1)(A)(ii).

Admit.

REQUEST FOR ADMISSION NO. 153:

Admit that as of March 13, 2007, with respect to user-uploaded material posted on Atom for which Atom had received a DMCA Takedown Notice, Atom did not have the right and ability to control the infringing activity, as described in 17 U.S.C. § 512(c)(1)(8).

Deny.

REQUEST FOR ADMISSION NO. 154:

Admit that as of March 13, 2007, with respect to user-uploaded material posted on Atom for which Atom has received a DMCA Takedown Notice, Atom did not receive a financial benefit directly attributable to the infringing activity, as described in 17 U.S.C. § 512(c)(1)(8).

Viacom does not have enough information to determine whether alleged infringing clips on Atom were a draw for users, and therefore does not have information sufficient to admit or deny.

REQUEST FOR ADMISSION NO. 155:

Admit that as of March 13, 2007, Atom had adopted and reasonably implemented, and informed subscribers and account holders of Atom of, a policy that provided for the termination in appropriate circumstances of its subscribers and account holders who were repeat infringers, as described in 17 U.S.C. § 512(i)(1)(A).

Admit.

REQUEST FOR ADMISSION NO. 156:

Admit that as of March 13, 2007, Atom accommodated and did not interfere with “standard technical measures” as defined in 17 U.S.C. §§ 512(i)(1)(B) and 512(i)(2).

Admit.

REQUEST FOR ADMISSION NO. 157:

Admit that as of July 1, 2007 Atom had “designated an agent to receive notifications of claimed infringement” as set forth in 17 U.S.C. § 512(c)(2).

Admit.

REQUEST FOR ADMISSION NO. 158:

Admit that as of July 1, 2007 Atom had provided to the Copyright Office substantially the information set forth in 17 U.S.C. § 512(c)(2)(A)-(B) for its designated agent to received notifications of claimed infringement.

Admit.

REQUEST FOR ADMISSION NO. 159:

Admit that as of July 1, 2007 the Register of Copyrights’ directory of agents designated to receive notifications for claimed infringement included an agent for Atom designated by you.

Admit.

REQUEST FOR ADMISSION NO. 160:

Admit that as of July 1, 2007 Atom had stored material “at the direction of a user” as that phrase is used in 17 U.S.C. § 512(c)(1).

Viacom objects to this RFA on the ground that it is vague with respect to the scope of the activity referenced. Subject to and without waiving that objection, deny.

REQUEST FOR ADMISSION NO. 161:

Admit that as of July 1, 2007 Atom was a “service provider” as defined in 17 U.S.C. § 512(k)(1)(B).

Admit.

REQUEST FOR ADMISSION NO. 162:

Admit that as of July 1, 2007 Atom had received DMCA Takedown Notices with respect to material posted on Atom.

Viacom admits that, as of July 1, 2007, Atom received ten or fewer takedown notices for alleged copyright infringement with regard to material posted on Atom’s user-generated video websites.

REQUEST FOR ADMISSION NO. 163:

Admit that as of July 1, 2007, on every occasion that Atom had received a DMCA Takedown Notice, it responded “expeditiously,” as that phrase is used in 17 U.S.C. § 512(c)(1)(A)(iii), to remove or disable access to the allegedly infringing material.

Admit.

REQUEST FOR ADMISSION NO. 164:

Admit that as of July 1, 2007, prior to receiving a DMCA Takedown Notice concerning user-uploaded material on Atom, Atom did “not have actual knowledge” that the material was infringing, as described in 17 U.S.C. § 512(c)(1)(A)(i).

Admit.

REQUEST FOR ADMISSION NO. 165:

Admit that as of July 1, 2007, prior to receiving a DMCA Takedown Notice concerning user-uploaded material posted on Atom, Atom was not aware of facts or

circumstances from which infringing activity was apparent, as described in 17 U.S.C. § 512(e)(1)(A)(ii).

Admit.

REQUEST FOR ADMISSION NO. 166:

Admit that as of July 1, 2007, with respect to user-uploaded material posted on Atom for which Atom had received a DMCA Takedown Notice, Atom did not have the right and ability to control the infringing activity, as described in 17 U.S.C. § 512(c)(1)(B).

Deny.

REQUEST FOR ADMISSION NO. 167:

Admit that as of July 1, 2007, with respect to user-uploaded material posted on Atom for which Atom has received a DMCA Takedown Notice, Atom did not receive a financial benefit directly attributable to the infringing activity, as described in 17 U.S.C. § 512(c)(1)(B).

Viacom does not have enough information to determine whether alleged infringing clips on Atom were a draw for users, and therefore does not have information sufficient to admit or deny.

REQUEST FOR ADMISSION NO. 168:

Admit that as of July 1, 2007, Atom had adopted and reasonably implemented, and informed subscribers and account holders of Atom of, a policy that provided for the termination in appropriate circumstances of its subscribers and account holders who were repeat infringers, as described in 17 U.S.C. § 512(i)(1)(A).

Admit.

REQUEST FOR ADMISSION NO. 169:

Admit that as of July 1, 2007, Atom accommodated and did not interfere with “standard technical measures” as defined in 17 U.S.C. §§ 512(i)(1)(B) and 512(i)(2).

Admit.

REQUEST FOR ADMISSION NO. 170:

Admit that ifilm.com has “designated an agent to receive notifications of claimed infringement” as set forth in 17 U.S.C. § 512(c)(2).

Admit.

REQUEST FOR ADMISSION NO. 171:

Admit that ifilm.com has provided to the Copyright Office substantially the information set forth in 17 U.S.C. § 512(c)(2)(A)-(B) for its designated agent to received notifications of claimed infringement.

Admit.

REQUEST FOR ADMISSION NO. 172:

Admit that the Register of Copyrights’ current directory of agents designated to receive notifications for claimed infringement includes an agent for ifilm.com designated by you.

Admit.

REQUEST FOR ADMISSION NO. 173:

Admit that ifilm.com has stored material “at the direction of a user” as that phrase is used in 17 U.S.C. § 512(c)(1).

Viacom objects to this RFA on the ground that it is vague with respect to the scope of the activity referenced. Subject to and without waiving that objection, deny.

REQUEST FOR ADMISSION NO. 174:

Admit that ifilm.com is a “service provider” as defined in 17 U.S.C. § 512(k)(1)(B).

Deny.

REQUEST FOR ADMISSION NO. 175:

Admit that ifilm.com has received DMCA Takedown Notices with respect to material posted on ifilm.com.

Viacom admits that ifilm.com has received a small number of takedown notices alleging copyright infringement with respect to material posted on ifilm.com.

REQUEST FOR ADMISSION NO. 176:

Admit that on every occasion that ifilm.com received a DMCA Takedown Notice, it responded “expeditiously,” as that phrase is used in 17 U.S.C. § 512(c)(1)(A)(iii), to remove or disable access to the allegedly infringing material.

Admit.

REQUEST FOR ADMISSION NO. 177:

Admit that prior to receiving a DMCA Takedown Notice concerning user-uploaded material on ifilm.com, ifilm.com did “not have actual knowledge” that the material was infringing, as described in 17 U.S.C. § 512(c)(1)(A)(i).

Admit.

REQUEST FOR ADMISSION NO. 178:

Admit that prior to receiving a DMCA Takedown Notice concerning user-uploaded material posted on ifilm.com, ifilm.com was not aware of facts or circumstances from which infringing activity was apparent, as described in 17 U.S.C. § 512(c)(1)(A)(ii).

Admit.

REQUEST FOR ADMISSION NO. 179:

Admit that with respect to user-uploaded material posted on ifilm.com for which ifilm.com has received a DMCA Takedown Notice, ifilm.com does not have the right and ability to control the infringing activity, as described in 17 U.S.C. § 512(c)(1)(B).

Deny.

REQUEST FOR ADMISSION NO. 180:

Admit that with respect to user-uploaded material posted on ifilm.com for which ifilm.com has received a DMCA Takedown Notice, ifilm.com did not receive a financial benefit directly attributable to the infringing activity, as described in 17 U.S.C. § 512(c)(1)(B).

Viacom does not have enough information to determine whether alleged infringing clips on ifilm.com were a draw for users, and therefore does not have information sufficient to admit or deny.

REQUEST FOR ADMISSION NO. 181:

Admit that ifilm.com has adopted and reasonably implemented, and informs subscribers and account holders of ifilm.com of, a policy that provides for the termination in appropriate circumstances of its subscribers and account holders who are repeat infringers, as described in 17 U.S.C. § 512(i)(1)(A).

Deny.

REQUEST FOR ADMISSION NO. 182:

Admit that ifilm.com accommodates and does not interfere with “standard technical measures” as defined in 17 U.S.C. §§ 512(i)(1)(B) and 512(i)(2).

Deny.

REQUEST FOR ADMISSION NO. 183:

Admit that flux.com has “designated an agent to receive notifications of claimed infringement” as set forth in 17 U.S.C. § 512(c)(2).

Admit.

REQUEST FOR ADMISSION NO. 184:

Admit that flux.com has provided to the Copyright Office substantially the information set forth in 17 U.S.C. § 512(c)(2)(A)-(B) for its designated agent to received notifications of claimed infringement.

Admit.

REQUEST FOR ADMISSION NO. 185:

Admit that the Register of Copyrights’ current directory of agents designated to receive notifications for claimed infringement includes an agent for flux.com designated by you.

Admit.

REQUEST FOR ADMISSION NO. 186:

Admit that flux.com has stored material “at the direction of a user” as that phrase is used in 17 U.S.C. § 512(c)(1).

Viacom objects to this RFA on the ground that it is vague with respect to the scope of the activity referenced. Subject to and without waiving that objection, deny.

REQUEST FOR ADMISSION NO. 187:

Admit that flux.com is a “service provider” as defined in 17 U.S.C. § 512(k)(1)(B).

Admit.

REQUEST FOR ADMISSION NO. 188:

Admit that flux.com has received DMCA Takedown Notices with respect to material posted on flux.com.

Deny.

REQUEST FOR ADMISSION NO. 189:

Admit that on every occasion that flux.com received a DMCA Takedown Notice, it responded “expeditiously,” as that phrase is used in 17 U.S.C. § 512(c)(1)(A)(iii), to remove or disable access to the allegedly infringing material.

Deny.

REQUEST FOR ADMISSION NO.190:

Admit that prior to receiving a DMCA Takedown Notice concerning user-uploaded material on flux.com, flux.com did “not have actual knowledge” that the material was infringing, as described in 17 U.S.C. § 512(c)(1)(A)(i).

Deny.

REQUEST FOR ADMISSION NO. 191:

Admit that prior to receiving a DMCA Takedown Notice concerning user-uploaded material posted on flux.com, flux.com was not aware of facts or circumstances from which infringing activity was apparent, as described in 17 U.S.C. § 512(c)(1)(A)(ii).

Deny.

REQUEST FOR ADMISSION NO. 192:

Admit that with respect to user-uploaded material posted on flux.com for which flux.com has received a DMCA Takedown Notice, flux.com does not have the right and ability to control the infringing activity, as described in 17 U.S.C. § 512(c)(1)(B).

Deny.

REQUEST FOR ADMISSION NO. 193:

Admit that with respect to user-uploaded material posted on flux.com for which flux.com has received a DMCA Takedown Notice, flux.com did not receive a financial

benefit directly attributable to the infringing activity, as described in 17 U.S.C. § 512(c)(1)(B).

Deny.

REQUEST FOR ADMISSION NO. 194:

Admit that flux.com has adopted and reasonably implemented, and informs subscribers and account holders of flux.com of, a policy that provides for the termination in appropriate circumstances of its subscribers and account holders who are repeat infringers, as described in 17 U.S.C. § 512(i)(1)(A).

Deny.

REQUEST FOR ADMISSION NO. 195:

Admit that flux.com accommodates and does not interfere with “standard technical measures” as defined in 17 U.S.C. §§ 512(i)(1)(B) and 512(i)(2).

Deny.

REQUEST FOR ADMISSION NO. 196:

Admit that spiketv.com has “designated an agent to receive notifications of claimed infringement” as set forth in 17 U.S.C. § 512(c)(2).

Admit.

REQUEST FOR ADMISSION NO. 197:

Admit that spiketv.com has provided to the Copyright Office substantially the information set forth in 17 U.S.C. § 512(c)(2)(A)-(B) for its designated agent to receive notifications of claimed infringement.

Admit.

REQUEST FOR ADMISSION NO. 198:

Admit that the Register of Copyrights' current directory of agents designated to receive notifications for claimed infringement includes an agent for spiketv.com designated by you.

Admit.

REQUEST FOR ADMISSION NO. 199:

Admit that spiketv.com has stored material "at the direction of a user" as that phrase is used in 17 U.S.C. § 512(e)(1).

Viacom objects to this RFA on the ground that it is vague with respect to the scope of the activity referenced. Subject to and without waiving that objection, deny.

REQUEST FOR ADMISSION NO. 200:

Admit that spiketv.com is a "service provider" as defined in 17 U.S.C. § 512(k)(1)(8).

Admit.

REQUEST FOR ADMISSION NO. 201:

Admit that spiketv.com has received DMCA Takedown Notices with respect to material posted on spiketv.com.

Viacom admits that spiketv.com has received a small number of DMCA Takedown Notices with respect to material posted on spiketv.com.

REQUEST FOR ADMISSION NO. 202:

Admit that on every occasion that spiketv.com received a DMCA Takedown Notice, it responded "expeditiously," as that phrase is used in 17 U.S.C. § 512(c)(1)(A)(iii), to remove or disable access to the allegedly infringing material.

Admit.

REQUEST FOR ADMISSION NO. 203:

Admit that prior to receiving a DMCA Takedown Notice concerning user-uploaded material on spiketv.com, spiketv.com did “not have actual knowledge” that the material was infringing, as described in 17 U.S.C. § 512(c)(1)(A)(1).

Admit.

REQUEST FOR ADMISSION NO. 204:

Admit that prior to receiving a DMCA Takedown Notice concerning user-uploaded material posted on spiketv.com, spiketv.com was not aware of facts or circumstances from which infringing activity was apparent, as described in 17 U.S.C. § 512(c)(1)(A)(ii).

Admit.

REQUEST FOR ADMISSION NO. 205:

Admit that with respect to user-uploaded material posted on spiketv.com for which spiketv.com has received a DMCA Takedown Notice, spiketv.com does not have the right and ability to control the infringing activity, as described in 17 U.S.C. § 512(e)(1)(B).

Deny.

REQUEST FOR ADMISSION NO. 206:

Admit that with respect to user-uploaded material posted on spiketv.com for which spiketv.com has received a DMCA Takedown Notice, spiketv.com did not receive a financial benefit directly attributable to the infringing activity, as described in 17 U.S.C. § 512(c)(1)(B).

Viacom does not have enough information to determine whether alleged infringing clips on Atom were a draw for users, and therefore does not have information sufficient to admit or deny.

REQUEST FOR ADMISSION NO. 207:

Admit that spiketv.com has adopted and reasonably implemented, and informs subscribers and account holders of spiketv.com of, a policy that provides for the termination in appropriate circumstances of its subscribers and account holders who are repeat infringers, as described in 17 U.S.C. § 512(i)(1)(A).

Admit.

REQUEST FOR ADMISSION NO. 208:

Admit that spiketv.com accommodates and does not interfere with “standard technical measures” as defined in 17 U.S.C. §§ 512(i)(1)(B) and 512(i)(2).

Admit.

REQUEST FOR ADMISSION NO. 209:

Admit that when the Atom online video service was first launched, Atom sought to induce copyright infringement by failing to include content filtering technology, including without limitation content filtering technologies offered by Audible Magic Corporation, as part of its service.

Deny.

REQUEST FOR ADMISSION NO. 210:

Admit that Viacom sought to capitalize on a library of infringing video clips by acquiring the Atom online video service offered on addictingclips.com with knowledge that Atom was not using content filtering technology, including without limitation content filtering technologies offered by Audible Magic Corporation, as part of its service.

Deny.

REQUEST FOR ADMISSION NO. 211:

Admit that the escrow provision in the August 9, 2006 acquisition agreement between Atom Entertainment, Inc. and Viacom was included because Viacom was aware

of, and believed Atom to be liable for, prior copyright infringement committed by Atom's users.

Deny.

REQUEST FOR ADMISSION NO. 212:

Admit that Viacom's failure to use content filtering technology, including without limitation content filtering technologies offered by Audible Magic Corporation, as part of the online video services provided by Viacom UGC Sites is evidence of Viacom's desire to profit from infringing content.

Deny.

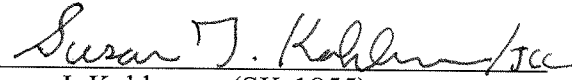
REQUEST FOR ADMISSION NO. 213:

Admit that, contrary to Your allegations, the operation of the YouTube service has increased "the incentives of America's creative industries."

Deny.

Respectfully submitted,

January 8, 2010

A handwritten signature in cursive script, reading "Susan J. Kohlmann".

Susan J. Kohlmann (SK-1855)

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on this 8th day of January 2010, on Defendants' counsel by electronic mail pursuant to an agreement of the parties under Fed. R. Civ. P. 5(b)(2)(D).



James C. Cox

Attachment A

| Named Plaintiff | Video ID |
|------------------------|-----------------|
| VIACOM INTERNATIONAL | _4J1nPR9obl |
| VIACOM INTERNATIONAL | _KDSYA5bEMc |
| VIACOM INTERNATIONAL | _yr3Fu_LRE4 |
| VIACOM INTERNATIONAL | 0ZO5f4q8b-g |
| PARAMOUNT PICTURES | 17kAJR7YbDE |
| VIACOM INTERNATIONAL | 1dWtA-nK-sQ |
| COMEDY PARTNERS | 1LOjvymWwvl |
| COMEDY PARTNERS | 29le85Vp8vl |
| VIACOM INTERNATIONAL | 2TncoW-J6wA |
| PARAMOUNT PICTURES | 3US2k6mTtEw |
| PARAMOUNT PICTURES | 3wo2FcjFP98 |
| COMEDY PARTNERS | 4nLoXLBwZv0 |
| COMEDY PARTNERS | 5Esm9Mlt5Xo |
| COMEDY PARTNERS | 5gbl2_Kocug |
| COMEDY PARTNERS | 5Hd_Jzll1MA |
| VIACOM INTERNATIONAL | 5tvtDQVpq_o |
| VIACOM INTERNATIONAL | 6_SaSuqfGB4 |
| VIACOM INTERNATIONAL | 6WhsXvOe2IU |
| VIACOM INTERNATIONAL | 744Gh8MbTWg |
| VIACOM INTERNATIONAL | 7aGjJBaKgs |
| COMEDY PARTNERS | 83KsT9D_6al |
| VIACOM INTERNATIONAL | 88XvlfKnGwl |
| COMEDY PARTNERS | 8AYnfxZ_BXI |
| COMEDY PARTNERS | 8v8vhNKIAZ4 |
| PARAMOUNT PICTURES | -9_Nrpc8noE |
| PARAMOUNT PICTURES | a_kdq0V9G3Y |
| COMEDY PARTNERS | alTz05jvTlk |
| VIACOM INTERNATIONAL | AjG9o33dQRQ |
| VIACOM INTERNATIONAL | aUonqu5RIcM |
| PARAMOUNT PICTURES | B64MeRiGDYo |
| VIACOM INTERNATIONAL | b8kFrT6Ni08 |
| VIACOM INTERNATIONAL | BbWi_RN9ou8 |
| COMEDY PARTNERS | bdRNAUTDBqY |
| COMEDY PARTNERS | BrCI7t5SU-s |
| PARAMOUNT PICTURES | C2kSoDWG404 |
| VIACOM INTERNATIONAL | cjhmH21ed-c |
| PARAMOUNT PICTURES | cpC6E1yLTx8 |
| COMEDY PARTNERS | cR5BCbGyTkc |
| VIACOM INTERNATIONAL | CSs79sYQ1_o |
| PARAMOUNT PICTURES | cuDIQ_dlsyA |
| COMEDY PARTNERS | CxVxzXCbeOw |
| PARAMOUNT PICTURES | czg16nOL_Jc |
| VIACOM INTERNATIONAL | dMNgKJsmHwo |
| COMEDY PARTNERS | eGXV-oXzzUE |
| PARAMOUNT PICTURES | eRR_IDApRQs |
| COMEDY PARTNERS | FDXmujT4MZE |
| COMEDY PARTNERS | F-vuYx6d1XM |
| VIACOM INTERNATIONAL | g0nOEudbKOQ |
| VIACOM INTERNATIONAL | GgcxPrquS2k |
| PARAMOUNT PICTURES | H0AQehIKRB4 |
| PARAMOUNT PICTURES | H0ZLZTR-g5Y |

| Named Plaintiff | Video ID |
|------------------------|-----------------|
| COMEDY PARTNERS | Hgu1RM2vbVM |
| COMEDY PARTNERS | hhXIVDxYzvg |
| VIACOM INTERNATIONAL | HM4b0wcMo_0 |
| VIACOM INTERNATIONAL | hnKQ7xzDjQ4 |
| COMEDY PARTNERS | hSdMtP8qztA |
| PARAMOUNT PICTURES | hZYpL6Vdz4k |
| PARAMOUNT PICTURES | i3YBKlAXvvk |
| VIACOM INTERNATIONAL | l4pc-6V4lZc |
| VIACOM INTERNATIONAL | i55f6qUSq4A |
| COMEDY PARTNERS | lZdKpTkQv8g |
| VIACOM INTERNATIONAL | J_LMd1WMyk4 |
| VIACOM INTERNATIONAL | jD9iQbQBHil |
| VIACOM INTERNATIONAL | jP_AXwoCgws |
| PARAMOUNT PICTURES | JZwFUe2aXLA |
| VIACOM INTERNATIONAL | K4sS0wA_-lA |
| VIACOM INTERNATIONAL | k6CSylS5528 |
| PARAMOUNT PICTURES | KcU0ye3nXtA |
| VIACOM INTERNATIONAL | kgYL9-VnhoU |
| COMEDY PARTNERS | KhIPvn26b1A |
| PARAMOUNT PICTURES | KiBDCZX7HQc |
| PARAMOUNT PICTURES | KNeaHNwwwvM |
| VIACOM INTERNATIONAL | kpkmya7Mkzk |
| PARAMOUNT PICTURES | kvEeLZV1j-k |
| COMEDY PARTNERS | L6a_iKo83RE |
| COMEDY PARTNERS | L8GYvwm_3bE |
| VIACOM INTERNATIONAL | L9h0BpdVMxA |
| VIACOM INTERNATIONAL | lirJJlViWsE |
| PARAMOUNT PICTURES | lvb3QDrHxRA |
| VIACOM INTERNATIONAL | L-VLn6bEOvs |
| VIACOM INTERNATIONAL | LYGpcUofXbk |
| COMEDY PARTNERS | lz0JZvlMrOA |
| VIACOM INTERNATIONAL | LzloLR5i9uw |
| PARAMOUNT PICTURES | meXedwbvCh8 |
| VIACOM INTERNATIONAL | MGZbVuVW2wQ |
| PARAMOUNT PICTURES | mJkGJQyDNQ0 |
| VIACOM INTERNATIONAL | mk3uiuXo4dk |
| PARAMOUNT PICTURES | mOvZn9ebc8Q |
| PARAMOUNT PICTURES | MSGNvmqcZK0 |
| VIACOM INTERNATIONAL | mTLMUWP13pE |
| VIACOM INTERNATIONAL | MV9EB2EXGdk |
| COMEDY PARTNERS | N0QCkXfxJs4 |
| COMEDY PARTNERS | N-4MT9u6LUs |
| VIACOM INTERNATIONAL | N7Q-vFtW8Lk |
| VIACOM INTERNATIONAL | n8wDRoQkN1c |
| VIACOM INTERNATIONAL | nCHY88De2A0 |
| COMEDY PARTNERS | NdpArPebjFY |
| COMEDY PARTNERS | neyj1SyVjBs |
| VIACOM INTERNATIONAL | Nr8fA2kX44E |
| COMEDY PARTNERS | nyLj0T9EKAo |
| VIACOM INTERNATIONAL | nZ3Sdlb5NDI |
| PARAMOUNT PICTURES | o8pkZ38bLvU |

| Named Plaintiff | Video ID |
|----------------------|-------------|
| VIACOM INTERNATIONAL | oQUgal6CFSI |
| PARAMOUNT PICTURES | OUWSSmNxArs |
| COMEDY PARTNERS | p1i1wcUpTbU |
| COMEDY PARTNERS | Pa3J-L29iT8 |
| PARAMOUNT PICTURES | paveBpTiNql |
| COMEDY PARTNERS | pBHnokTr1xg |
| COMEDY PARTNERS | pE2MiujT7Yg |
| VIACOM INTERNATIONAL | Phap3WkYOpc |
| VIACOM INTERNATIONAL | plGQYawzv9c |
| COMEDY PARTNERS | Ppm3MIsqsK4 |
| VIACOM INTERNATIONAL | PRedB3aDGDg |
| COMEDY PARTNERS | PuqX26-GCWY |
| COMEDY PARTNERS | Pvz66FuaHso |
| COMEDY PARTNERS | pyP1JFa8bJc |
| COMEDY PARTNERS | qFXAI0IQiM4 |
| COMEDY PARTNERS | QrROfhjqpDs |
| COMEDY PARTNERS | Q-VvGxYDGm0 |
| VIACOM INTERNATIONAL | r_c6WlbOG2M |
| COMEDY PARTNERS | r0WZATT9P9g |
| VIACOM INTERNATIONAL | rDOB6g2-3FU |
| COMEDY PARTNERS | rf3BHTB2RAY |
| PARAMOUNT PICTURES | RhNehWcBADg |
| VIACOM INTERNATIONAL | rkQ9C-9pWJg |
| COMEDY PARTNERS | RRrB_hitU-c |
| COMEDY PARTNERS | s0e_lfSMtll |
| COMEDY PARTNERS | S5pUWE1WGKw |
| VIACOM INTERNATIONAL | s8VLwpyYtB0 |
| COMEDY PARTNERS | slXfcdZbnUw |
| VIACOM INTERNATIONAL | SwyufkyHfyU |
| VIACOM INTERNATIONAL | T3ysjszEu1s |
| PARAMOUNT PICTURES | tbU_2WGlqkU |
| VIACOM INTERNATIONAL | TZv0POyzkpc |
| COMEDY PARTNERS | uJg2geqHK5U |
| COMEDY PARTNERS | USds5DhScmg |
| VIACOM INTERNATIONAL | Ux6aFYuTYNY |
| VIACOM INTERNATIONAL | UXmn2TS_ALQ |
| VIACOM INTERNATIONAL | v0uIAyq4p2o |
| PARAMOUNT PICTURES | v5XPki6Nj6k |
| COMEDY PARTNERS | VbDA1XS6M6A |
| COMEDY PARTNERS | Vj9rdT-t8Lc |
| VIACOM INTERNATIONAL | vlQhux5mXfY |
| COMEDY PARTNERS | vNgoUewhYTM |
| COMEDY PARTNERS | w-0x-Pwtbtw |
| COMEDY PARTNERS | w4ONAjIFmJY |
| VIACOM INTERNATIONAL | WBxZLCDm2uo |
| COMEDY PARTNERS | wfWEjb3DtV0 |
| VIACOM INTERNATIONAL | WLZfSH3j_Zg |
| VIACOM INTERNATIONAL | wMHpbGDlddE |
| COMEDY PARTNERS | Wqq-lfH3NNc |
| COMEDY PARTNERS | wxhRkff16ys |
| COMEDY PARTNERS | X-8UmL4lpPI |

| Named Plaintiff | Video ID |
|------------------------|-----------------|
| VIACOM INTERNATIONAL | xbrJOliv0qE |
| PARAMOUNT PICTURES | xHVqXaC-NIA |
| COMEDY PARTNERS | xiFajP-KVzE |
| PARAMOUNT PICTURES | xmHsafia5jE |
| COMEDY PARTNERS | Xo9TWFRIUN8 |
| COMEDY PARTNERS | YbCNhLX-mi8 |
| COMEDY PARTNERS | yVUAvm3fvXQ |
| PARAMOUNT PICTURES | ZpVZoLTAiKY |

Rubin Exhibit 88

From: Vicky Fang <Vicky.Fang@mtvnmix.com>
Date: Wed, 05 Jul 2006 09:59:39 -0400
To: "Bos, Chris" <Chris.Bos@spiketv.com>, Steve Farrell <Steve.Farrell@spiketv.com>
Subject: Re: You tube

I have a phone meeting with the guy today (there's an approval process involved) -- I think it's probably a good idea to go the official route, but we can also go both routes, as many places do. More on that soon... We should probably set up some standards as far as URL overlay/slating for these videos. Also... Do we have an outlet to send these out once we post on You Tube?

-Vicky

On 6/30/06 9:42 PM, "Bos, Chris" <Chris.Bos@spiketv.com> wrote:

Hey,

Did you sign up for the "official" director account so we can get the spike logo and link to the show page in the description? At the moment we have have a non hyperlink in place which won't be doing much for our google awareness.

-----Original Message-----

From: Fang, Vicky
Sent: Fri 6/30/2006 6:07 PM
To: Farrell, Steve
Cc: Bunyi, Martin; Chung, Min; Bos, Chris; Kondas, Jeff; Kondas, Brian; Vecsi, Dayna; Farrell, Vincent; Parouka, Karmelina; Abrams, Mike; Whittingham, Chris; Klein, Melanie

Subject: You tube

Ok, I am uploading you tube videos under the fake grassroots account "demansr" -- am having a phone conversation with the You Tube people on Wednesday as they already are questioning my identity. Bastards.

ROOFS

I love you tammy

<http://www.youtube.com/watch?v=T5ELL0pV0BM>

Father son crapper moment

<http://www.youtube.com/watch?v=FI5zRNFzmIo>

DUDESONS

Baseball bat surprise

<http://www.youtube.com/watch?v=-mcsQarma04>

So anyhow, don't sue me. Steve, do you want to tell Matt about this?

-Vicky

Rubin Exhibit 89

Subject: RE: youtube: mtv2 "official partner" ???
From: "Exarhos, Tina" <EX:/O=VIACOM/OU=MTVUSA/CN=RECIPIENTS/CN=EXAROST
>
To: Cohn, David
Cc: Date: Fri, 03 Mar 2006 03:53:07 +0000

Jason.

From: Cohn, David
Sent: Thu 3/2/2006 10:50 PM
To: Exarhos, Tina
Subject: Re: youtube: mtv2 "official partner" ???

Who you disagreeing with?

Sent from my BlackBerry Wireless Handheld

-----Original Message-----
From: Exarhos, Tina
To: Cohn, David
Sent: Thu Mar 02 22:44:42 2006
Subject: RE: youtube: mtv2 "official partner" ???

Hmmm. I really disagree. My presentation at Bacara will detail. Ubiquity in upfront promotion is a necessity.

From: Cohn, David
Sent: Thu 3/2/2006 4:48 PM
To: Exarhos, Tina
Subject: FW: youtube: mtv2 "official partner" ???

interesting....se below

-----Original Message-----
From: Hirschhorn, Jason
Sent: Thursday, March 02, 2006 4:43 PM
To: Cohn, David
Cc: White, Ben
Subject: RE: youtube: mtv2 "official partner" ???

I guess my take is ifilm should get better stuff or a bit more if possible given they are a sister company. People are pitting the 2 in the press, and we don't want a bad story written that we don't not trying to build our own asset, not your issue. Just asking...

If a reporter saw some sort of official partner thing on you tube and wanted to go there on ifilm not ebing at same level, you get me, yes?

-----Original Message-----
From: Cohn, David
Sent: Thursday, March 02, 2006 4:39 PM
To: Hirschhorn, Jason
Cc: White, Ben
Subject: RE: youtube: mtv2 "official partner" ???

I get it. Just not sure how aggressively we want to be in stopping them, when at the end of the day, it's a meaningless term as long as ifilm has the same access, and usually better

-----Original Message-----

From: Hirschhorn, Jason
Sent: Thursday, March 02, 2006 4:37 PM
To: Cohn, David
Cc: White, Ben
Subject: RE: youtube: mtv2 "official partner" ???

Please contact blair, and I don't like youtube calling mtv2 official. Think it hurts morale of ifilm. I get you guys needing to be everywhere. But slight favor to ifilm helps us build a biz.

-----Original Message-----

From: Cohn, David
Sent: Thursday, March 02, 2006 4:34 PM
To: Hirschhorn, Jason
Cc: White, Ben
Subject: RE: youtube: mtv2 "official partner" ???

Been servicing clips of andy & wonder all over the place...it's the central component in marketing these shows (I think the kids call it "viral marketing"). But nothing "official" about it; what I got back from my mktg folks:

There is no sponsorship implication nor any contractual obligations. There is no deal... They use it very loosely. It is just a label to provide additional value, i.e. calling out MTV2, homepage promotion, and providing link back to MTV2.com. (They secured the "MTV2" user name for us to upload videos).

Happy to communicate directly with blair if you want. Thrilled with the exposure we've been getting on ifilm (andy, wonder, wildboyz 3,4,5 in most viewed tv shows last I checked), but I think we've got to be everywhere

Call if you'd like to discuss

-----Original Message-----

From: Hirschhorn, Jason
Sent: Thursday, March 02, 2006 2:22 PM
To: Cohn, David
Cc: White, Ben
Subject: FW: youtube: mtv2 "official partner" ???

??????

-----Original Message-----

From: Blair Harrison [mailto:bharrison@ifilm.com]
Sent: Thu Mar 02 14:20:47 2006
To: Hirschhorn, Jason
Subject: FW: youtube: mtv2 "official partner" ???

Do you know anything about this?

From: Frank Voci
Sent: Thursday, March 02, 2006 10:50 AM
To: Blair Harrison
Subject: youtube: mtv2 "official partner" ???

Check out:

<http://youtube.com/watch?v=YHYW6GLCcyQ>

see Official Partner badge at top of right column.

Now they are squarely in our sandbox.

--frank.

Rubin Exhibit 90

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC., COMEDY)
PARTNERS, COUNTRY MUSIC)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION LLC,)
)
Plaintiffs,)
)
vs.) Case No.)
) 1:07CV02103
YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)
)
Defendants.)
_____)

VIDEOTAPED DEPOSITION OF JEFFREY CASTANEDA

New York, New York

Tuesday, September 29th, 2009

REPORTED BY:

ERICA RUGGIERI, CSR, RPR

JOB NO: 17745

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CASTANEDA

A. Mid-'90s.

Q. And you don't recall using it
after the mid-'90s?

09:49:01 A. I don't recall.

Q. Mr. Castaneda, have you ever
created any YouTube accounts?

A. Yes.

Q. Okay. Which ones?

09:49:11 A. I have one YouTube account under
the user name mosjef73.

Q. Can you spell that user name?

A. Sure. M-O-S-J-E-F 73.

Q. Have you ever created any other
09:49:31 YouTube accounts?

A. No.

Q. Have you ever uploaded videos to
YouTube?

A. Yes.

09:49:37 Q. Okay. And using what accounts
have you uploaded videos to YouTube?

A. Mosjef73.

Q. Any others?

A. No.

09:49:50 Q. Are you familiar with a YouTube

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CASTANEDA

account with the user name MTV2?

A. Vaguely.

Q. Do you know the password to the

09:50:04 MTV2 YouTube account?

A. I do not.

Q. Have you ever uploaded any
videos to the MTV2 YouTube account?

A. No.

09:50:13 Q. Have you ever logged onto --
excuse me. Have you ever accessed the
YouTube website to see videos listed under
the MTV2 account?

A. Not that I can recall.

09:50:36 Q. So let's talk about mosjef73.

You said that you uploaded
videos to that account. What videos?

A. The videos I uploaded to my
mosjef73 account were two clips, one of
09:50:54 which was for an MTV show called Andy
Milonakis. And the other clip was a clip
from MTV2 called Wonder Showzen.

Q. At any point in time have you
ever uploaded any clips, using the
09:51:18 mosjef73 account, other than the account

CASTANEDA

you just named?

A. Can you repeat the question.

Q. At any point in time have you

09:51:25 ever uploaded any clips to the mosjef73

account, other than the two clips that you
just mentioned?

A. No.

Q. Okay. When you uploaded the two

09:51:36 clips, the one for Andy Milonakis and the

one for Wonder Showzen, were you doing

that within your capacity as an MTV2

employee?

A. Yes.

09:51:46 Q. Did anyone else upload clips to

the mosjef73 YouTube account?

A. Did anyone else?

Q. Uh-hum.

A. No.

09:51:58 Q. Did anyone else have the

password to that account?

A. No.

Q. Did anyone else have any other

means to access that account?

09:52:08 A. No.

1 CASTANEDA

2 Q. Okay. The two clips that you
3 uploaded using mosjef73, those videos were
4 authorized to be on YouTube by MTV2?

5 09:52:22 A. Yes. Those two clips were
6 authorized by MTV2.

7 Q. And what was your purpose in
8 uploading those clips?

9 A. My purpose in uploading those
10 09:52:38 clips was, as part of a larger price
11 campaign, we sent out a, those clips,
12 those two specific clips, to a number of
13 sites to promote the shows, Andy Milonakis
14 and Wonder Showzen. And there were two
15 09:53:05 clips that were selected by the marketing
16 department and the producers at MTV2?

17 Q. And when you say they were sent
18 to a number of sites, that included
19 YouTube.com, right?

20 09:53:16 A. That is correct.

21 Q. And the purpose in uploading
22 those clips to YouTube.com was to promote
23 the underlying shows, right?

24 A. The purpose of sending those
25 09:53:31 clips to a variety of different websites

Rubin Exhibit 91

From: Castaneda, Jeff <Jeff.Castaneda@mtvstaff.com>
Date: Tue, 21 Feb 2006 16:42:30 -0500
To: Cohn, David <David.Cohn@mtvn.com>, Eng, Carol <Carol.Eng@mtvstaff.com>, Preston, Lisa <Lisa.Preston@mtvstaff.com>, Healy, Tim <Tim.Healy@mtvstaff.com>, DeBenedittis, Paul A. <PaulA.-Schedule.DeBenedittis@mtvstaff.com>, Lam, Cuong <Cuong.Lam@mtvstaff.com>, Campbell, Timothy <Timothy.Campbell@mtvn.com>, DiSanto, Tony <Tony.DiSanto@mtvstaff.com>, James, Graham - MTV <Graham.James@mtvstaff.com>, Dix, Michele <Michele.Dix@mtvstaff.com>, Ignjatovic, Jesse <Jesse.Ignjatovic@mtvstaff.com>, Calderone, Tom <Tom.Calderone@vh1staff.com>
Subject: WS and Andy M clips online

Dear all -

Just a heads up - the Wonder Showzen and Andy Milonakis clips are beginning to pop up online. Will send around more links as I get them.

Wonder Showzen clips

<http://www.doubleviking.com/>

http://www.youtube.com/watch?v=lvA6oabsA_E

Andy Milonakis clips

<http://www.youtube.com/watch?v=x-Igybtxczk>

Thanks
jeff

Jeff Castaneda
MTV2 / MTV HITS / MTV JAMS / MTV
Communications
212-846-6774
jeff.castaneda@mtvstaff.com
IM: MosJef73

Rubin Exhibit 92

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Flavor Unit Mcs Roll wit tha flava

7 ratings ★★★★★

From: [pauloeufrasio](#) | January 27, 2009 | 2,458 views[View comments, related videos, and more](#)

mosjef73

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| | |
|---------------------|-------------------|
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| Total Upload Views: | 0 |
| Age: | 36 |
| Joined: | February 16, 2006 |
| Last Sign In: | 6 hours ago |
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| Total Upload Views: | 0 |
| Age: | 29 |
| Joined: | April 10, 2006 |
| Last Sign In: | 3 years ago |
| Subscribers: | 0 |
| Country: | United States |

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Profile

| | |
|---------------------|----------------|
| Channel Views: | 835 |
| Total Upload Views: | 0 |
| Age: | 29 |
| Joined: | April 21, 2006 |
| Last Sign In: | 3 years ago |
| Subscribers: | 9 |
| Country: | United States |

Recent Activity

There hasn't been any recent activity.

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iaminfo



jleao



nigoape



stillcool...



jordan230...



banjBILLIONS



infinitvs...



yaboy212



b0b9o

Friends (1)



hyunk

Channel Comments

There are no comments for this user.

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